

These are only a few of the many instances where documents have been disclosed by the FBI long after they should have been made available. Would you please let me know why so many documents have been produced so late and what procedures you now have or are putting into place to prevent this from happening in the future. As I know you understand, every time we get late disclosures, we have to go back and retrace our inquiries. Of even greater importance is the issue of the reliability of FBI responses to our document requests.

I would appreciate a response as promptly as possible so that we can proceed.

Sincerely,

ARLEN SPECTER.

EXHIBIT 3

U.S. SENATE,

Washington, DC, January 3, 2000.

Hon. LOUIS J. FREEH,

Director, Federal Bureau of Investigation,
Washington, DC.

DEAR DIRECTOR FREEH: I am writing to renew my request—which was first made in writing on September 29, 1999—for access to the ten pieces of intelligence information referred to in the July 1999 Inspector General's Special Report on the Handling of FBI Intelligence Information Related to the Justice Department's Campaign Finance Investigation, and any analysis regarding the validity of such information and its suitability for use in a prosecution or relevance to a plea agreement. These ten pieces of information are covered by the November 17, 1999, resolution of the Judiciary Committee, which authorized a number of subpoenas.

I would also appreciate your assistance in ensuring that the background check and clearance request for my Chief Counsel, Mr. David Brog, it processed in an expeditious manner.

Both of these matters are important for the Judiciary subcommittee which I chair to be able to conduct its oversight in a prompt and thorough manner.

Sincerely,

ARLEN SPECTER.

Mr. SESSIONS. Madam President, I served on the subcommittee on oversight effort on the FBI and the Department of Justice. I thought if the American people had seen that, they would have known that he was committed to getting to the truth, as he is always, and that there was, indeed, vigorous oversight at least with regard to those aspects of the FBI and the Department of Justice.

Nobody is perfect. Everybody makes mistakes. But it is our duty to ask tough questions and insist on excellence. I am a big fan of the FBI, but they are not perfect. I am a big fan of the Department of Justice, but they are not perfect. Senator GRASSLEY and Senator SPECTER have been tough on them and demanded excellence, and I respect that. I think it is very healthy. I believe that Bob Mueller, who I knew at the Department of Justice for many years, is a professional's professional, who is a tough leader with the kinds of insight into the FBI's strengths and weaknesses that would allow him to have a unique opportunity to make a positive change.

The PRESIDING OFFICER. The question is, Will the Senate advise and

consent to the nomination of Robert S. Mueller, III, of California, to be Director of the Federal Bureau of Investigation? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is absent because of a death in family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 272]

YEAS—98

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carmahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Jeffords	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Collins	Kerry	Stevens
Conrad	Kohl	Thomas
Corzine	Kyl	Thompson
Craig	Landrieu	Thurmond
Crapo	Leahy	Torricelli
Daschle	Levin	Voinovich
Dayton	Lieberman	Warner
DeWine	Lincoln	Wellstone
Dodd	Lott	Wyden
Dorgan	Lugar	

NOT VOTING—2

Domenici Inouye

The nomination was confirmed.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank the distinguished majority leader and Members on both sides of the aisle for arranging to expedite the scheduling of these three votes. As I said to the Senator from Nevada, the majority whip, it is extremely important that we were able to move especially Bob Mueller as quickly as we did.

I thank the leadership for making this possible, and I thank all Senators on both sides of the aisle for voting for him. It sends a strong signal. We have somebody who wants to preserve the very best of the FBI and to correct those areas where there are problems. I

think he can do both. He comes with a strong mandate from the Senate, and that will help.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Madam President, I compliment the distinguished chairman of the Judiciary Committee for his expeditious work on these nominations and so many others. We have broken some records. His work and determination demonstrate real fairness and ensure these people have the opportunity to serve at the earliest possible date. His willingness to do that and his desire to work with the leadership are very much appreciated. I want to commend him publicly for that.

Mr. LEAHY. I thank the Senator.

LEGISLATIVE SESSION

JUDICIAL NOMINATIONS

Mr. LEAHY. Madam President, on July 20, I was pleased that we were able to confirm a number of judicial and executive nominations. We confirmed Judge Roger Gregory for a lifetime appointment to the United States Court of Appeals for the Fourth Circuit. Last year and earlier this year, he was unable even to get a hearing from the Republican majority.

Having gotten that hearing, his nomination was reported favorably to the Senate on a 19 to 0 vote by the committee and the Senate voted to confirm him by a vote of 93 to 1 vote. The supposed controversy some contend surrounded this nomination was either nonexistent or quickly dissipated. In addition we have confirmed the two nominees to the District Court vacancies in Montana in order to help end the crisis in that district that was brought to our attention by Chief Judge Molloy.

Today we report and the Senate is confirming William Riley, nominated to the United States Court of Appeals for the Eighth Circuit. Mr. Riley was strongly supported by both his home State Senators, one a respected Republican and one a valued Democratic Senator.

In the entire first year of the first Bush Administration, 1989, without all the disruptions, distractions and shifts of Senate majority that we have experienced this year, only five Court of Appeals judges were confirmed all year.

In the first year of the Clinton Administration, 1993, without all the disruptions, distractions and shifts in Senate majority that we have experienced this year, only three Court of Appeals judges were confirmed all year. In 1993, the first Court of Appeals nominee to be confirmed was not until September 30. During recent years under a Republican Senate majority,

there were no Court of Appeals nominees confirmed at any time during the entire 1996 session, not one. In 1997, the first Court of Appeals nominee was not confirmed until September 26.

Having confirmed our first Court of Appeals nominee on July 20, the Senate this year is ahead of the pace in 1993, the first year of the Clinton Administration, and ahead of the pace in 1996 and 1997, when the Senate was under Republican control.

A fair assessment of the circumstances of this year would suggest that the confirmation of a single Court of Appeals nominee this early in the year and the confirmation of even a few Court of Appeals judges in this shortened time frame of only a few weeks in session should be commended, not criticized. Today we confirm our second Court of Appeals nominee.

The Judiciary Committee held two hearings on two Court of Appeals nominees in July. In July 1995, the Republican Chairman held one hearing with one Court of Appeals nominee.

In July 1996, the Republican Chairman held one hearing with one Court of Appeals nominee, who was confirmed in 1996. In July 1997, the Republican Chairman held one hearing with one Court of Appeals nominee. In 1998, the Republican Chairman did hold two hearings with two Court of Appeals nominees, but neither of whom was confirmed in 1998. In July 2000, the Republican Chairman did not hold a single hearing with a Court of Appeals nominee.

During the more than 6 years in which the Senate Republican majority scheduled confirmation hearings, there were 34 months with no hearing at all, 30 months with only one hearing and only 12 times in almost six and one-half years did the Judiciary Committee hold as many as two hearings involving judicial nominations in a month. Over the last 6 years only 46 nominees were confirmed by the Republican majority in the Senate to the Courts of Appeals around the country.

This Democratic Senate has confirmed two within the month the Senate has been reorganized before the August recess. So without acknowledging the unprecedented shifts in majority status this year, our productivity compares most favorably with the last 6 years. With the confirmation of William Riley to the Eighth Circuit, we have exceeded the record in five of the last 6 years.

I am considering holding another judicial confirmation hearing in August, during the Senate recess. No such hearing was held during any of the last 6 years. If we proceed, it may be the first time a judicial confirmation hearing was held during the August recess.

I went to the White House for the President's announcement of his first judicial nominations as a demonstration of bipartisanship. I noticed our

initial hearing on judicial nominees within 10 minutes of the Senate adoption of S. Res. 120 reorganizing the Senate just before the July 4 recess. We held two hearings in July. We confirmed two Court of Appeals Judges in July. The facts are that the Democratic majority in the Senate has proceeded fairly.

I have also respectfully suggested that the White House work with Senators to identify and send more District Court nominations to the Senate who are broadly supported and can help us fill judicial vacancies in our federal trial courts. According to the Administrative Office of the U.S. Courts, almost two-thirds of the vacancies on the federal bench are in the District Courts, 75 of 108. But fewer than one-third of President Bush's nominees initial 30 nominees have been for District Court vacancies.

The two who were consensus candidates and whose paperwork was complete have had their hearing earlier this month and were confirmed July 20.

I did try to schedule District Court nominees for our hearing last week, but none of the files of the seven District Court nominees pending before the Committee was complete.

Because of President Bush's unfortunate decision to exclude the American Bar Association from his selection process, the ABA was only able to begin its evaluation of candidates' qualifications after the nominations were made public. We are doing the best we can, and we hope to include District Court candidates at our next nominations hearing.

There has been talk that the President will be sending more District Court nominees to the Senate today or tomorrow.

If he does, I hope that they are consensus candidates and that their home state Senators have been involved in the selection process. Unfortunately, they are being received late in this short session and without the peer review that the ABA had traditionally provided at the time of the nomination for more than 50 years. We will do the best we can to proceed with mainstream candidates with broad-ranging support in the limited time available to us before the Senate adjourns this year and given the heavy legislative agenda that we must accomplish.

When some Republican Senators bemoan the current vacancies, they should also acknowledge that many of the current vacancies could have been filled and should have been filled over the last several years. Indeed, if the 65 judicial nominations sent to us over the past few years by President Clinton had been acted upon, we would have scores fewer vacancies.

At the end of the last session of Congress in which there was a Senate Democratic majority, in 1994, there were 63 vacancies on the Federal

courts, which included several new judgeships created by statute in 1990 and as yet unfilled. When the Senate returned to a Democratic majority on June 6 of this year, there were 104 vacancies. When the Senate was finally allowed to reorganize and made its Committee assignments on July 10, there were 110 vacancies.

Of the judicial emergency vacancies, almost half would not exist if President Clinton's qualified nominees for those positions had been confirmed by the Republican majority over the last few years. I noted last week that the Republican Senate over the last several years refused to take action on no fewer than a dozen nominees to what are now emergency vacancies on the Courts of Appeals.

I remind my colleagues of their failure to grant a hearing or Committee or Senate consideration to the following: Robert Cindrich to the Third Circuit; Judge James A. Beaty, Jr. and Judge James A. Wynn, Jr. to the Fourth Circuit; Jorge Rangel, Enrique Moreno and H. Alston Johnson to the Fifth Circuit; Judge Helene White, Kathleen McCree-Lewis and Kent Marcus to the Sixth Circuit; Bonnie Campbell to the Eighth Circuit; James Duffy and Barry Goode to the Ninth Circuit.

Those were 12 Court of Appeals nominees to 10 vacancies who could have gone a long way toward reducing the level of judicial emergencies around the country. Our first confirmation this year was of Judge Roger Gregory to a judicial emergency vacancy.

I have yet to hear our Republican critics acknowledge any shortcomings among the practices they employed over the last six years.

When they have done that and we have established a common basis of understanding and comparison, we will have taken a significant step forward. That would help go a long way toward helping me change the tone here in Washington. It would make it easier to work together to get as much accomplished as we possibly can.

Mr. HATCH. Madam President, I am pleased that today the Senate confirmed William Riley to be a judge on the Eighth Circuit Court of Appeals. This confirmation brings the total of judicial confirmations for the year to four. Even if we include today's confirmation vote in the total for the month of July, I want to note for the record that this is significantly fewer judges than were confirmed during most of the months of July during my tenure as Chairman of the Judiciary Committee, even though we had a Democratic President and a Republican Senate during those years. Here is the number of judges confirmed during the months of July when I was chairman:

July 1995—11 judges confirmed.

July 1996—16 judges confirmed.

July 1997—3 judges confirmed.

July 1998—6 judges confirmed.

July 1999—4 judges confirmed.
July 2000—5 judges confirmed.

MORNING BUSINESS

Mr. DASCHLE. I ask for unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELECTION FRAUD

Mr. BOND. Madam President, for the past several months I have been waiting patiently for the opportunity promised me to offer testimony on election fraud before the Senate Rules Committee. The committee has held days of hearings in Washington, and they have been on the road. My concern was that perhaps the committee was not interested in vote fraud, was not interested in hearing the details of the criminal activities that took place in Missouri in November of 2000. Certainly, it was not interested in what election law reforms are necessary to attack vote cheats.

Unfortunately, I can wait no longer. I am here in the Chamber rather than the committee because, although I was assured I would have the opportunity to testify about the extraordinary circumstances that occurred around the election in St. Louis, and thus make the case for real vote fraud reform, the committee has decided to move ahead without giving me the opportunity to pursue a voting machinery bill before the recess.

It is an understatement to say I am disappointed. But rather than dampening my enthusiasm, that disappointment makes me even more committed to the cause.

Simply put, it is imperative that we pass legislation this year that makes it easier to vote but harder to cheat. One without the other will not work and will not be acceptable.

Voting is the most important duty and responsibility of a citizen of our Republic. It should not and must not be diluted by fraud, by false filings and lawsuits, judges who don't follow the law, and politicians to try to profit from confusion. At the same time, voters should not be unduly confused by complicated ballots and voter rosters or confounded by inadequate phone lines or voting machinery.

One simple point as we begin: Vote fraud is not about partisanship. It is not about Democrats versus Republicans. It is not about the north side of St. Louis versus the south side. It is not about ethnic groups or religious groups or interest groups. It affects all citizens. It is about justice, for vote fraud is a criminal, not a political, act.

Illegal votes dilute the value of votes cast legally. When people try to stuff

the ballot box, what they are really doing is trying to steal political power from those who follow election laws. There can be no graver example of disenfranchisement. The Missouri Court of Appeals wrote:

[E]qual vigilance is required to ensure that only those entitled to vote are allowed to cast a ballot. Otherwise, the rights of those lawfully entitled to vote are inevitably diluted.

Let's discuss what is vote fraud; how does it work; how widespread is it; how can we stop it. Vote fraud is, at the core, the practice of illegally adding votes to a candidate's vote total or taking them away. It can be done by simply stuffing the ballot box with extra ballots at the end of the voting day. It can be done by voting in the names of people who are dead or otherwise have not voted. It can be done by creating lists of bogus names and addresses and then voting all those fake identities. It can be done in person. It can be done by absentee ballot. It can be done with a judge, incompetent, inattentive or unlawful, who issues a court order.

However, it is done, its design and purpose is single-minded: cheat to win. Fortunately, most of the time it does not work. But unfortunately, there are those who argue that because it fails more than it succeeds, it is not a real problem.

To those who make that argument, I recommend they take a few moments to review the comments of an old friend of mine with whom I served when I was Governor of Missouri. He is from the other party but is an active leader. State Representative Quincy Troupe stated this year, after news of the vote fraud came out in St. Louis: In this town, to win in a close election "you have to beat the cheat." That is the cry in St. Louis, people trying to cheat to win.

The impulse has been around since the dawn of civilization. Parents, teachers, and coaches tried mightily to instill in us that we should play fair, abide by the rules, and 99 percent of the time their lessons took root.

Unfortunately, not everybody has gotten the message. Every day we read stories of consumer fraud, the selling of test scores, point shaving scandals, stock swindles, real estate scams. I suppose we should not be shocked that people also try to steal votes and, ultimately, elections.

Because we are a nation of laws and we have basic faith that people will play fair, we simply don't like it when people try to cheat to win. That, of course, is what voter fraud is all about.

Unfortunately, we in Missouri saw it in this past election. No one wants his or her State to become a poster child for a problem, the hometown become a laughingstock. So it is with dismay that I come before my colleagues today to describe what has gone on in St.

Louis, what is going on, what reforms I believe are vital.

Missouri's secretary of state has just completed a comprehensive review of election 2000, centered around four basic voter fraud schemes, the question of felons voting, as well as reviewing the actions by local judges and the now infamous dead-man-claims-long-lines-keep-him-from-voting court case.

The four vote fraud schemes regularly practiced across the country are: Did individuals register and vote more than once; did any dead individuals have votes cast in their names; were false names/addresses voted; were drop sites used to give individuals multiple voting identities.

Each of these are classic vote fraud schemes designed to allow a small number of people to cast numerous votes either by absentee ballots or by moving from polling place to polling place and voting multiple names from the voter list.

Each scheme relies on access to registered voter lists in order to know what names to use, knowledge of the false names, or requires the individuals to have control of the absentee ballots. In one common form of absentee ballot fraud, the drop site scam, the individuals used in the scheme simply register, usually by mail, multiple names at one address and then request absentee ballots for all their new roommates, phantom though they might be, and they vote all of the ballots coming into those invisible roomies.

Sad to say, each of these schemes was in use on election day in Missouri. In reviewing only 2 of Missouri's 114 counties, the secretary of state found 14 probable drop sites where there were at least 8 registered voters, 8 registered voters in one house, with another 200 possible sites requiring further review. We had 68 dual registered people who voted twice. Good luck, folks. I think your day is coming. There were 79 vacant lots used as addresses for voters, and 14 dead people voted—certainly an inspiring theological effort, but one that is disappointing politically.

In addition, this investigation found that 114 felons voted and over 1,200 people who were not registered at all voted—in direct contravention of Missouri law. These people went before judges and said, "I want to vote." The Missouri Constitution says you have to be registered to vote. The judges said: You look like a nice guy or lady, so we are going to let you vote. That is illegal; that is fraud; that is criminal.

As I said, for each of the drop sites, the secretary of state used an eight-person rule—meaning he only reviewed those sites that showed eight or more registered voters at one address. And his staff only visited 20 percent of the total sites identified. Only law enforcement would be able to determine how many illegal votes were cast from these sites.